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EXAMINER	
YODER III, CHRISS S	
ART UNIT	**PAPER NUMBER**
2612	6

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/578,466	ITO, JUNICHI	
	Examiner	Art Unit	
	Chriss S. Yoder, III	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 March 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

The examiner acknowledges that the applicant has amended to correct the drawings, specification, and claim 12. Therefore, the objections noted in the previous office action have been withdrawn.

Response to Arguments

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1, 2, 8, 9, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733).

2. In regard to claim 1, note Morofuji discloses the use of an image sensing device for converting image data (column 8, lines 13-14; and figure 5:104), a shake detecting section (column 4, lines 52-55; figure 1: 1, 1'), a prism portion for changing the angle of the light beam passing through it according to an applied voltage (column 8, lines 1-3; and figure 5: 106), an application voltage generating section (column 5, lines 46-47; and figure 2: 4; the driving unit is what actually generates the voltage to be sent to the prism), a storage section for storing the voltage applied and the deflection angle (column 13, lines 43-47; figure 1: 6), a control section for determining the voltage to be applied based on the output of the shake detecting section (column 4, lines 62-66) and

controlling the voltage generating section (column 5, lines 40-47), and a setting section switching between an image sensing mode and a test mode (column 9, lines 31-34; and column 13, lines 43-47). Therefore, it can be seen that the Morofuji device lacks the use of the prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto. Hwang discloses the use of prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto (column 2, lines 49-51;and figures 4A and 4B: 32). Hwang teaches that the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto is preferred in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio (column 1, lines 56-60). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Morofuji device to include the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio, as taught in Hwang.

3. In regard to claim 2, note Morofuji discloses that the shake detector contains a first and second shake angle detecting section for detecting a shake in two separate directions (column 4, lines 52-55; and figure 1: 1, 1').

4. In regard to claim 8, note Morofuji as modified by Hwang teaches the shake correcting device as claimed in claim 1. Therefore, it can be seen that primary

reference of Morofuji in view of Hwang lacks the use of a shake detecting section in an electronic camera. Official Notice is taken that both the concept and the advantages of using a shake detecting section in an electronic still camera are notoriously well known and expected in the art. Therefore, it would have been obvious to use a shake detecting section in an electronic still camera in order to allow the user to easily store and manipulate the image.

5. In regard to claim 9, note Morofuji discloses the use of a shake detecting section in a film camera (column 1, lines 4-7).

6. In regard to claim 33, note Morofuji discloses the use of an image sensing device for converting image data (column 8, lines 13-14; and figure 5:104), a shake detecting section (column 4, lines 52-55; figure 1: 1, 1'), a prism portion for changing the angle of the light beam passing through it according to an applied voltage (column 8, lines 1-3; and figure 5: 106), an application voltage generating section (column 5, lines 46-47; and figure 2: 4; the driving unit is what actually generates the voltage to be sent to the prism), a storage section for storing the voltage applied and the deflection angle (column 13, lines 43-47; figure 1: 6), a control section for determining the voltage to be applied based on the output of the shake detecting section (column 4, lines 62-66) and controlling the voltage generating section (column 5, lines 40-47), and a setting section switching between an image sensing mode and a test mode (column 9, lines 31-34; and column 13, lines 43-47. Therefore, it can be seen that the Morofuji device lacks the use of the prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto. Hwang discloses the use of

prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto (column 2, lines 49-51;and figures 4A and 4B: 32). Hwang teaches that the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto is preferred in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio (column 1, lines 56-60). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Morofuji device to include the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio.

7. In regard to claim 34, which is a method claim, corresponding to the apparatus claim 33. Therefore, claim 34 has been analyzed and rejected as previously discussed with respect claims 33.

8. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733), as applied to claims 1-2 above, and in further view of Lee et al. (US Patent # 6,243,132).

9. In regard to claim 3, Morofuji as modified by Hwang teaches the shake correcting device as claimed in claims 1-2. Therefore, it can be seen that the Morofuji and Hwang device lacks a prism portion that includes a first and second prism for changing the angle of the light beam passing therethrough. Lee discloses the use of two prisms that

change the angle of the light beam passing therethrough (column 2, lines 43-65; and figure 2: 21, 23). Lee teaches that the use of two prisms is preferred in order to compensate for vibrations in two directions (column 2, lines 43-65). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Morofuji and Hwang device to include two prisms in order to compensate for vibrations in two directions.

10. In regard to claim 4, note Lee discloses that the first prism changes the light beam in a direction to cancel the shake angle detected by the first shake angle detector (column 2, lines 43-50).

11. In regard to claim 5, note Lee discloses that the second prism changes the light beam in a direction to cancel the shake angle detected by the second shake angle detector (column 2, lines 54-60).

12. Claims 6-7, 10-17, and 27, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733) and in further view of Sato et al. (US Patent # 5,861,915).

13. In regard to claim 6, Morofuji as modified by Hwang teaches the shake correcting device as claimed in claim 1. Therefore, it can be seen that the Morofuji and Hwang device lacks the use of a temperature measuring circuit to measure the temperature of the prism portion. Sato discloses the use of a temperature measuring circuit to measure the temperature of the prism (column 9, lines 53-58; and figure 1: 4). Sato teaches that the use of a temperature measuring circuit is necessary in order to adjust the prisms to compensate for the unwanted disturbances due to heat (column 9, lines 53-58). Therefore, one of ordinary skill in the art would modify the Morofuji and Hwang

device to use a temperature measuring circuit in order correctly compensate for the shake despite the changes in temperature.

14. In regard to claim 7, note Sato discloses the storage of temperatures with the correction values in table format (column 7, lines 50-55; it would have been obvious that there is a table forming circuit in order to store temperatures in a table format).

15. In regard to claim 10, note Morofuji discloses the use of an image sensing device for converting image data (column 8, lines 13-14; and figure 5:104), a shake detecting section that contains a first and second shake angle detecting section for detecting a shake in two separate directions (column 4, lines 52-55; figure 1: 1, 1'), a prism portion for changing the angle of the light beam passing through it according to an applied voltage (column 8, lines 1-3; and figure 5: 106), an application voltage generating section (column 5, lines 46-47; and figure 2: 4; the driving unit is what actually generates the voltage to be sent to the prism), a storage section for storing the voltage applied and the deflection angle (column 13, lines 43-47; figure 1: 6), a control section for determining the voltage to be applied based on the output of the shake detecting section (column 4, lines 62-66) and controlling the voltage generating section (column 5, lines 40-47), and a setting section switching between an image sensing mode and a test mode (column 9, lines 31-34; and column 13, lines 43-47). Therefore, it can be seen that the Morofuji device lacks the use of the prism portion being formed of an optical material having a refractive index, which changes in accordance with the voltage applied thereto, and the use of a temperature measuring circuit to measure the temperature of the prism portion, and the storage of the temperatures. Hwang

discloses the use of prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto (column 2, lines 49-51;and figures 4A and 4B: 32). Hwang teaches that the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto is preferred in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio (column 1, lines 56-60). Sato discloses the use of a temperature measuring circuit to measure the temperature of the prism (column 9, lines 53-58; and figure 1: 4), and the storage of the temperatures (column 7, lines 50-55). Sato teaches that the use of a temperature measuring circuit is necessary in order to adjust the prisms to compensate for the unwanted disturbances due to heat (column 9, lines 53-58). Therefore, one of ordinary skill in the art would modify the Morofuji device to include the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto, as suggested by Hwang, in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio and to use a temperature measuring circuit, as suggested by Sato, in order correctly compensate for the shake despite the changes in temperature.

16. In regard to claim 11, note Sato discloses the measurement of temperature prior to the shake correction operation (column 11, lines 5-15;figure 1:4; having the compensation based on the temperature, it would have been obvious that the

temperature measurement would be performed prior to the shake correction operation by the prism).

17. In regard to claim 12, note Morofuji discloses an application voltage determining circuit for determining voltage to be applied to the prism portion by referring to the voltage and shake angle stored in the storage section based on the temperature measured (column 4, lines 62-65; and column 13, lines 43-51).

18. In regard to claim 13, note Morofuji discloses that the application voltage determining circuit determines a first application voltage that prevents the prism portion from changing the angle of the light beam passing therethrough (column 17, line 66 – column 18, line 2;figure 15: S306).

19. In regard to claim 14, note Morofuji discloses that the voltage generating section generates the application voltage determined by the application voltage determining circuit (column 17, line 66 – column 18, line 2).

20. In regard to claim 15, note Morofuji discloses an application voltage determining circuit for determining voltage to be applied to the prism portion which permits the prism portion to change the angle of the light beam passing therethrough (column 4, lines 62-65).

21. In regard to claim 16, note Morofuji discloses an application voltage generating section that generates an application voltage determined by the application voltage determining circuit (column 4, lines 62-65; and column 5, lines 40-54).

22. In regard to claim 17, note Morofuji discloses that the application voltage generating section is operated from the start of image-sensing to a time when the

shutter period is released (column 17, lines 43-50;figure 15: S300-S302; the vibration correction operation is considered to be operating the application voltage generating section during this period, which includes the time from the start of image-sensing to a time when the shutter period is released).

23. In regard to claim 27, note Morofuji discloses the use of an image sensing device for converting image data (column 8, lines 13-14; and figure 5:104), a shake detecting section that contains a first and second shake angle detecting section for detecting a shake in two separate directions (column 4, lines 52-55; figure 1: 1, 1'), a prism portion for changing the angle of the light beam passing through it according to an applied voltage (column 8, lines 1-3; and figure 5: 106), an afocal optical system disposed behind the prism portion (figure 5: 103), a lens disposed between said afocal optical system and an image sensing device (figure 5: 103), an application voltage generating section (column 5, lines 46-47; and figure 2: 4; the driving unit is what actually generates the voltage to be sent to the prism), a storage section for storing the voltage applied and the deflection angle (column 13, lines 43-47; figure 1: 6), a control section for determining the voltage to be applied based on the output of the shake detecting section (column 4, lines 62-66) and controlling the voltage generating section (column 5, lines 40-47), and a setting section switching between an image sensing mode and a test mode (column 9, lines 31-34; and column 13, lines 43-47). Therefore, it can be seen that the Morofuji device lacks the use of the prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto, a temperature measuring circuit to measure the temperature of the prism

portion, and the storage of the temperatures. Hwang discloses the use of prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto (column 2, lines 49-51;and figures 4A and 4B: 32). Hwang teaches that the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto is preferred in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio (column 1, lines 56-60). Sato discloses the use of a temperature measuring circuit to measure the temperature of the prism (column 9, lines 53-58; and figure 1: 4), and the storage of the temperatures (column 7, lines 50-55). Sato teaches that the use of a temperature measuring circuit is necessary in order to adjust the prisms to compensate for the unwanted disturbances due to heat (column 9, lines 53-58). Therefore, one of ordinary skill in the art would modify the Morofuji device to include the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto, as suggested by Hwang, in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio and to use a temperature measuring circuit, as suggested by Sato, in order correctly compensate for the shake despite the changes in temperature.

24. In regard to claim 31, note Morofuji discloses that the optical device is a binocular (column 5, lines 35-36).

25. In regard to claim 32, note Morofuji does not specifically disclose that the optical device is a telescope. It would have been obvious to one of ordinary skill in the art to consider the optical device to be a telescope as a matter of design choice.

26. Claims 18-20 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733) and Sato et al. (US Patent # 5,861,915), and further view of Lee et al. (US Patent # 6,243,132).

27. In regard to claim 18, note the primary reference of Morofuji in view of Hwang and Sato discloses the electronic camera as claimed in claim 10. Therefore, it can be seen that the device taught in Morofuji, Hwang, and Sato lacks a prism portion that includes a first and second prism for changing the angle of the light beam passing therethrough. Lee discloses the use of two prisms that change the angle of the light beam passing therethrough (column 2, lines 43-65; and figure 2: 21, 23). Lee teaches that the use of two prisms is preferred in order to compensate for vibrations in two directions (column 2, lines 43-65). Therefore, it would have been obvious to one of ordinary skill in the art to modify the device taught in Morofuji, Hwang, and Sato to include two prisms in order to compensate for vibrations in two directions.

28. In regard to claim 19, note Lee discloses that the first prism changes the light beam in a direction to cancel the shake angle detected by the first shake angle detector (column 2, lines 43-50).

29. In regard to claim 20, note Lee discloses that the second prism changes the light beam in a direction to cancel the shake angle detected by the second shake angle detector (column 2, lines 54-60).

30. In regard to claim 28, note the primary reference of Morofuji in view of Hwang and Sato discloses the optical device as claimed in claim 27. Therefore, it can be seen that the device taught in Morofuji, Hwang, and Sato lacks a prism portion that includes a first and second prism for changing the angle of the light beam passing therethrough. Lee discloses the use of two prisms that change the angle of the light beam passing therethrough (column 2, lines 43-65; and figure 2: 21, 23). Lee teaches that the use of two prisms is preferred due to the fact that the bellows used in the prism of the primary device may break after prolonged use and the liquid between the glass plates will leak (column 1, lines 42-47). Therefore, it would have been obvious to one of ordinary skill in the art to modify the device taught in Morofuji, Hwang, and Sato to include two prisms to prevent the breakage of the prism and avoid leakage of the fluid.

31. In regard to claim 29, note Lee discloses that the first prism changes the light beam in a direction to cancel the shake angle detected by the first shake angle detector (column 2, lines 43-50).

32. In regard to claim 30, note Lee discloses that the second prism changes the light beam in a direction to cancel the shake angle detected by the second shake angle detector (column 2, lines 54-60).

33. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733) and Sato et

al. (US Patent # 5,861,915), and in further view of Katsuragawa (US Patent # 5,731,920).

34. In regard to claim 21, note Morofuji discloses the use of a shake detecting section that contains a first and second shake angle detecting section for detecting a shake in two separate directions (column 4, lines 52-55; figure 1: 1, 1'), a prism portion for changing the angle of the light beam passing through it according to an applied voltage (column 8, lines 1-3; and figure 5: 106), an application voltage generating section (column 5, lines 46-47; and figure 2: 4; the driving unit is what actually generates the voltage to be sent to the prism), a storage section for storing the voltage applied and the deflection angle (column 13, lines 43-47; figure 1: 6), and a control section for determining the voltage to be applied based on the output of the shake detecting section (column 4, lines 62-66) and controlling the voltage generating section (column 5, lines 40-47). Therefore, it can be seen that the Morofuji device lacks the use of the prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto, a temperature measuring circuit to measure the temperature of the prism portion, the storage of the temperatures, and an external control section switching between an image sensing mode and a test mode. Hwang discloses the use of prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto (column 2, lines 49-51;and figures 4A and 4B: 32). Hwang teaches that the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto is preferred in order to

compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio (column 1, lines 56-60). Sato discloses the use of a temperature measuring circuit to measure the temperature of the prism (column 9, lines 53-58; and figure 1: 4), and the storage of the temperatures (column 7, lines 50-55). Sato teaches that the use of a temperature measuring circuit is necessary in order to adjust the prisms to compensate for the unwanted disturbances due to heat (column 9, lines 53-58). Katsuragawa discloses the use of an external control device to switch the operations of the camera (column 23, lines 53-58). Katsuragawa teaches that the use of an external control device is preferred in order to allow the user to interchange lenses and still allow full performance of the lenses (column 1, lines 27-29). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Morofuji device to include the use of a prism portion being formed of an optical material having a refractive index which changes in accordance with the voltage applied thereto, as suggested by Hwang, in order to compensate for the limitation in the driving speed for correcting the vibration and the limitation of the controlled resolving power at a high ratio, to use a temperature measuring circuit, as suggested by Sato, in order correctly compensate for the shake despite the changes in temperature, and give the user the option of changing lenses, as suggested by Katsuragawa, without reducing performance of the camera and lenses.

35. In regard to claim 22, note Morofuji discloses that the image sensing unit is mounted on the camera at the time of test mode (column 8, lines 9-16).

36. In regard to claim 23, note Morofuji discloses that the test mode is executed using the image sensing unit in order to calibrate the camera for proper alignment of the prisms (column 8, lines 9-16).

37. Claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morofuji (US Patent # 6,343,188) in view of Hwang (US Patent # 5,883,733) and Sato et al. (US Patent # 5,861,915), in further view of Katsuragawa (US Patent # 5,731,920) as applied to claim 21 above, and further view of Lee et al. (US Patent # 6,243,132).

38. In regard to claim 24, note the primary reference of Morofuji in view of Hwang, Sato, and Kawuragawa discloses the film camera as claimed in claim 21. Therefore, it can be seen that the primary device lacks a prism portion that includes a first and second prism for changing the angle of the light beam passing therethrough. Lee discloses the use of two prisms that change the angle of the light beam passing therethrough (column 2, lines 43-65; and figure 2: 21, 23). Lee teaches that the use of two prisms is preferred due in order to compensate for vibrations in two directions (column 2, lines 43-65). Therefore, it would have been obvious to one of ordinary skill in the art to modify the device taught in Morofuji, Hwang, Sato, and Kawuragawa to include two prisms in order to compensate for vibrations in two directions.

39. In regard to claim 25, note Lee discloses that the first prism changes the light beam in a direction to cancel the shake angle detected by the first shake angle detector (column 2, lines 43-50).

40. In regard to claim 26, Lee discloses that the second prism changes the light beam in a direction to cancel the shake angle detected by the second shake angle detector (column 2, lines 54-60).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
May 21, 2004

NGOC-YEN VU
PRIMARY EXAMINER